IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35154 of 2007(I)

PETITIONER:

N.SAINALABDEEN, PROPRIETOR,
RAFEEK CASHEW COMPANY, VADAKKEVILA,
KOLLAM.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON

RESPONDENTS:

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1. ASST.COMMISSIONER,
COMMERCIAL TAX SPECIAL CIRCLE,
KOLLAM.

2. DEPUTY COMMISSIONER (APPEALS),
DEPARTMENT OF COMMERCIAL TAXES,
KOLLAM.

3. INSPECTING ASST.COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES,
KOLLAM.

BY G.P.SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 35154 of 2007

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Dated this the 28th day of November, 2007

JUDGMENT

Ext.P5 order is under challenge. Ext.P5 is an interim order passed by the appellate authority while considering an application for stay and stay has been granted on payment of 50% tax and also furnishing security for the balance amount. Objection raised is that the said order is a mechanical one. It is also stated that Ext.P1 shows that two times the turnover is added to the turnover and that there is no basis for such addition.

2. A reading of Ext.P5 shows that the contentions raised by the petitioner has been appreciated by the appellate authority. I am not persuaded to take a different view and interfere with the discretionary order passed by the appellate authority on the materials available in this case.

3. Time for compliance of Ext.P5 order is extended by three weeks from today.

The writ petition is disposed of as above.

Antony Dominic,
Judge.

mn.